

Bill as  
Introduced

HB 401 - AS AMENDED BY THE HOUSE

7Apr2021... 0148h

2021 SESSION

21-0534  
06/04

HOUSE BILL            **401**

AN ACT                relative to the duty of school superintendents regarding criminal history records checks.

SPONSORS:            Rep. Mullen, Hills. 7; Rep. Allard, Merr. 21; Rep. Cornell, Hills. 18; Rep. M. Murray, Hills. 22; Rep. Myler, Merr. 10; Rep. Tanner, Sull. 9; Rep. Woodcock, Carr. 2

COMMITTEE:          Education

ANALYSIS

This bill:

I. Permits the designee of the superintendent of a school administrative unit to receive and review a report of an applicant's criminal history and record information.

II. Requires the department of education to provide training in reading and interpreting criminal history records.

III. Requires the superintendent or designee of a school administrative unit or the chief executive officer of the chartered public school or public academy to complete training in reading and interpreting criminal history records.

Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the duty of school superintendents regarding criminal history records checks.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 School Employee and Designated School Volunteer Criminal History Records Check. Amend  
2 RSA 189:13-a, II and III to read as follows:

3       II. The selected applicant for employment or designated volunteer with a school  
4 administrative unit, school district, chartered public school, or public academy shall submit to the  
5 employer a criminal history records release form, as provided by the division of state police, which  
6 authorizes the division of state police to conduct a criminal history records check through its state  
7 records and through the Federal Bureau of Investigation and to release, for the purposes of  
8 paragraph V, a report of the applicant's criminal history and record information, including  
9 confidential criminal history record information, to the superintendent *or designee* of the school  
10 administrative unit or the chief executive officer of the chartered public school or public academy.  
11 ***For the purposes of this section, a designee may be the assistant superintendent, the head***  
12 ***of human resources, the personnel director, the business administrator, or the finance***  
13 ***director.*** The applicant shall submit with the release form a complete set of fingerprints taken by a  
14 qualified law enforcement agency or an authorized employee of the school administrative unit, school  
15 district, chartered public school, or public academy. In the event that the first set of fingerprints is  
16 invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete  
17 the criminal history records check, the conditional offer of employment shall remain in effect. If,  
18 after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative  
19 unit, school district, chartered public school, or public academy may, in lieu of the criminal history  
20 records check, accept police clearances from every city, town, or county where an applicant has lived  
21 during the past 5 years.

22       III. The ***department of education shall conduct training concerning the reading***  
23 ***and interpretation of criminal history records.*** The superintendent *or designee* of the school  
24 administrative unit or the chief executive officer of the chartered public school or public academy  
25 shall complete ***such training*** and shall maintain the confidentiality of all criminal history records  
26 information received pursuant to this paragraph. If the criminal history records information  
27 indicates no criminal record, the superintendent *or designee* of the school administrative unit or the  
28 chief executive officer of the chartered public school or public academy shall destroy the information  
29 received immediately following review of the information. If the criminal history records  
30 information indicates that the applicant has been convicted of any crime or has been charged

HB 401 - AS AMENDED BY THE HOUSE

- Page 2 -

1 pending disposition for or convicted of a crime listed in paragraph V, the superintendent *or*  
2 *designee* of the school administrative unit or the chief executive officer of the chartered public  
3 school or public academy shall review the information for a hiring decision, and the division of state  
4 police shall notify the department of education of any such charges pending disposition or  
5 convictions. The superintendent *or designee* of the school administrative unit or the chief executive  
6 officer of the chartered public school or public academy shall destroy any criminal history record  
7 information that indicates a criminal record within 60 days of receiving such information.

8       2 Effective Date. This act shall take effect July 1, 2021.

CHAPTER 71  
HB 401 - FINAL VERSION

7Apr2021... 0148h

2021 SESSION

21-0534  
06/04

HOUSE BILL **401**

AN ACT relative to the duty of school superintendents regarding criminal history records checks.

SPONSORS: Rep. Mullen, Hills. 7; Rep. Allard, Merr. 21; Rep. Cornell, Hills. 18; Rep. M. Murray, Hills. 22; Rep. Myler, Merr. 10; Rep. Tanner, Sull. 9; Rep. Woodcock, Carr. 2

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HB 401 - FINAL VERSION

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AN ACT relative to the duty of school superintendents regarding criminal history records checks.

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21 during the past 5 years.

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23 *and interpretation of criminal history records.* The superintendent *or designee* of the school  
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**CHAPTER 71**  
**HB 401 - FINAL VERSION**  
**- Page 2 -**

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7 officer of the chartered public school or public academy shall destroy any criminal history record  
8 information that indicates a criminal record within 60 days of receiving such information.

71:2 Effective Date. This act shall take effect July 1, 2021.

Approved: June 10, 2021  
Effective Date: July 01, 2021

# Committee Minutes



**AMENDED  
SENATE CALENDAR NOTICE  
Education**

Sen Ruth Ward, Chair  
Sen Erin Hennessey, Vice Chair  
Sen Denise Ricciardi, Member  
Sen Jay Kahn, Member  
Sen Suzanne Prentiss, Member

Date: April 7, 2021

**HEARINGS**

Tuesday	04/13/2021	
(Day)	(Date)	
Education	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	<b>HB 401</b>	relative to the duty of school superintendents regarding criminal history records checks.
9:10 a.m.	<b>HB 500</b>	relative to reducing school food waste and addressing child hunger.
9:20 a.m.	<b>HB 581</b>	relative to the burden of proof in special education hearings and establishing a committee to study special education IEP and dispute resolution processes.
9:30 a.m.	<b>HB 152</b>	relative to the apportionment of costs in cooperative school districts.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/98146769174>
2. To listen via telephone: Dial(for higher quality, dial a number based on your current location):

1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833

3. Or iPhone one-tap: +13126266799, 98146769174# or +19292056099, 98146769174#

4. Webinar ID: 981 4676 9174

5. To view/listen to this hearing on YouTube, use this link:

<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:

<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**HB 401**

Rep. Mullen

Rep. Myler

Rep. Allard

Rep. Tanner

Rep. Cornell

Rep. Woodcock

Rep. M. Murray

**HB 500**

Rep. Loughman

Sen. Sherman

Rep. M. Murray

Sen. Ward

Rep. Mullen

Rep. Kenney

**HB 581**

Rep. Cordelli

Rep. McLean

Rep. Verville

Rep. Rouillard

Rep. Thomas

Sen. Reagan

Rep. Spillane

**HB 152**

Rep. McGhee

Ava Hawkes 271-4151

Ruth Ward  
Chairman

# Senate Education Committee

*Ava Hawkes 271-4151*

**HB 401**, relative to the duty of school superintendents regarding criminal history records checks.

**Hearing Date:** April 13, 2021

**Time Opened:** 9:05 a.m.

**Time Closed:** 9:35 a.m.

**Members of the Committee Present:** Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

**Members of the Committee Absent :** None

**Bill Analysis:** This bill:

I. Permits the designee of the superintendent of a school administrative unit to receive and review a report of an applicant's criminal history and record information.

II. Requires the department of education to provide training in reading and interpreting criminal history records.

III. Requires the superintendent or designee of a school administrative unit or the chief executive officer of the chartered public school or public academy to complete training in reading and interpreting criminal history records.

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**Sponsors:**

Rep. Mullen  
Rep. M. Murray  
Rep. Woodcock

Rep. Allard  
Rep. Myler

Rep. Cornell  
Rep. Tanner

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**Who supports the bill:** Representative Sue Mullen, Representative Megan Murray, Representative Mary Heath, Representative Jan Schmidt, Representative Wendy Chase, Representative Roger Dontonville, Representative Donald Bouchard, Representative Heidi Hamer, Representative Joan Hamblet, Mary Eisner, MaryAnn Connors-Krikorian, Mary Till, Eric Pauer, Lauren Batchelder

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

## Summary of testimony presented:

### Representative Sue Mullen – Hillsborough, District 7

- Representative Mullen introduced HB 401.
- The concept for this bill was recommended by HB 1136 which died of COVID-19 pandemic death during the 2020 legislative session.
- The premise of the bill is that school superintendents need help in managing the criminal history records check via their process for new employees.
- Current statute states that superintendents are the only authorized person to receive and review criminal history checks.
- There are numerous scenarios where this creates a problem.
- When a superintendent is unavailable, due to a medical reason or absence, as examples, this proves even more problematic and challenging.
- This bill allows a superintendent to appoint a designee from a specified group of people. This group of people includes the assistant superintendent, the head of human resources, personnel director, business administrator or finance director.
- This authority would also be extended to the chief executive officer of a chartered public school.
- The specificity in this bill is intended to meet the new FBI requirements.
- RSA 189:13-a changes took place due to HB 1558 from last session have widened the scope of information available to superintendents.
- This bill would also require the provision of training by NHDOE on the reading and interpretation of criminal history records.
- Senator Hennessey asked Representative Mullen about requirements for training and how often NHDOE is supposed to offer training and how often folks are supposed to receive the training.
  - Representative Mullen said NHDOE is supposed to provide training annually. The employee would be expected to be trained initially, then, at NHDOE's discretion, attend updated briefings.
  - Senator Hennessey asked Representative Mullen where this is located in the bill, i.e. the provision of training. Representative Mullen said this is not referenced in the bill. They assumed the rules committee would probably take a look at that; as this is such an evolving process, they didn't want to tie hands of NHDOE.
- Senator Kahn asked Representative Mullen if there is to only be one designee to the superintendent.
  - Representative Mullen said that is the intent of the bill with the understanding that if there is a district with thousands of employees, there may be a future need for more than one designee.
- Senator Kahn asked Representative Mullen if she would be open to there being only one designee. Senator Kahn noted that there seems to be a strong concern for the confidentiality of this information.

- Representative Mullen said certainly. They were sensitive at looking at the confidentiality provision initially. By specifying the pool of designees, the privacy is tightened up.
- Senator Kahn asked Representative Mullen if there is a list of designees as superintendents are known to the departments for the MS reports.
  - Representative Mullen said there certainly could be.

### **Mary Eisner**

- Supports this bill.
- Derry resident.
- Currently, only superintendents are allowed to process background checks.
- This bill allows them to accommodate districts with limited staff restrictions.
- By allowing designee to process criminal history records, this relieves superintendents and their time.
- By statute, superintendents have 20 educational responsibilities to perform.
- Providing adequate staffing of school district is an ongoing process throughout the year.
- Derry is the third largest school district in the state and, in 2019, they had approximately 886 employees from July 1<sup>st</sup> through October 17<sup>th</sup> where 192 records were requested.
- As of November 2020, 178 people were fingerprinted with 605 employees, not counting substitutes.
- Once records are received and reviewed, and where there may be areas of concern, additional time is needed for the superintendent to follow-up on interviews.
- This is the best interest of our school districts and would allow superintendents to perform their main responsibility of teaching our children.
- School administrators have invested so much time this past year and will continue to do so due to COVID-19 pandemic.
- Given the ongoing impact of this pandemic, this bill would be a welcomed benefit to our schools superintendents and our educational system.
- Senator Kahn asked Ms. Eisner if she envisions a single designee.
  - Ms. Eisner said yes. That was the main concern in the original bill, the House was concerned by the security issue as well. The one designee satisfies those concerns.

### **Attorney Diana Fenton – Chief of the Office of Governance, NH Department of Education**

- This bill identifies an issue that the field has struggled with.
- Suggestions can easily be put in an amendment, i.e. specifying just one designee.

- The criminal record check has changed a lot over the years.
- The entire record is released now; that means all interactions with law enforcement, arrests, anything null processed, etc.
- While it is rare to see lengthy records in education, superintendents are getting records back and it takes time to process them.
- Superintendents take this responsibility very seriously; the length and breadth of the next record checks is not what they are used to.
- They would welcome training and being able to designate.
- NHDOE is happy to provide training.
- Uncertain if we should put the number of the trainings in statute. Possibly through a rulemaking provision to avoid undercutting the true meaning of this bill.
- Training on an annual basis might alleviate additional concerns.
- NHDOE is happy to coordinate with their partners at DOS.
- Senator Hennessey asked Ms. Fenton about the amount of information provided in previous criminal record reports, i.e. specifically referenced a violation in a certain category versus what we have now which is all interactions. She asked why the change.
  - Ms. Fenton noted that when she transferred from the Attorney General's Office in 2015, the practice was that the DOS would send that broad letter. This is when the practice started to change.
  - The letter targeted section five violations, i.e. offenses which prohibit any individual from working in education throughout the state.
  - This list of offenses has been brought before the committee before.
  - Each school district can add to the list in statute and include other offenses.
  - This change was a result of a sad situation in the western part of the state where an individual was charged with serious sexual offenses, which would have been section five violations, but had those offenses plead down. She is not sure why. When his criminal history was run, those offenses were not flagged as they were not section five violations. He was hired in a school and reoffended. The survivor of these offenses testified before the legislature which resulted in the changes to this statute.
  - By releasing more and more information to superintendents allows for them to have a fuller picture of the person applying.
- Senator Hennessey asked Ms. Fenton if annual training is too often and will there really be that many updates in between trainings.
  - Ms. Fenton said it is hard to say. NHDOE is happy to offer it on an annual basis.
  - Whether folks have to take it annually could be up to the discretion of districts.

- Once folks receive training, they retain it. When they have questions, they have a resource at NHDOE.
- Bearing in mind new superintendents in the field, maybe just keeping the training option open is an appropriate solution.
- Senator Prentiss asked Ms. Fenton if the designee were to find an offense problematic, who would they have to report that to.
  - NHDOE does not cover the employment piece. When you apply and authorize for fingerprinting, she assumes it is covered somewhere in that paperwork.
  - This law is written to note that the hiring decision still rests with the superintendent. Designee can review it, share it with the superintendent, superintendent is still obligated to see it through for their district.
- Senator Hennessey noted, for those concerned about privacy, criminal record checks are public information, you can go to a courthouse and request this yourself.
- Senator Kahn asked Ms. Fenton if/when a superintendent identifies a single designee, does the designee choice need to be reported to the NHDOE Commissioner.
  - Ms. Fenton said it could be.
  - Unsure what issue that may address.
  - Leave that to the discretion of school districts; not a role of department to provide oversight.
- Senator Kahn asked Ms. Fenton if the communication she envisions would continue to be through the superintendent or if there is someone who then needs to be added to the chain of communication with the DOS.
  - While she does not want to speak for DOS, she believes it would be the later.
- Senator Kahn asked if the designee would be authorized to speak with DOS, or only the superintendent.
  - Ms. Fenton said she believes the designee would be authorized to communicate with DOS but should confirm with DOS.
  - She is unsure if DOS would require a specification to address that question. She can ask and get back to the committee.

**Susie Vachon – Supervisor, Crime Records Unit at the NH Department of Safety**

- DOS creates the document based on request, submit to requestor (the SAU) and, typically, no other conversation is needed. The document speaks for itself.
- Rarely is there follow-up on the document with the DOS or state police.

- Senator Kahn reiterated his question and concern about whether or not findings be reported to commissioner, through what steps of communication, and what the responsibilities are of the designee.
  - Ms. Vachon said the state police would not have any involvement in that, it is the superintendent's responsibility to take that next step.
  - It's assumed that the superintendent would communicate with NHDOE commissioner.

amh  
Date Hearing Report completed: April 16, 2021

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# Speakers

# Senate Remote Testify

## Education Committee Testify List for Bill HB401 on 2021-04-13

Support: 14 Oppose: 0 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Σ</u>
Murray, Megan	megan.murray@leg.state.nh.us	Not Given	An Elected Official	Hillsborough District 22	Support	No	4
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No	4
Batchelder, Lauren	lauren@nhheadsv.org	Not Given	A Lobbyist	The New Hampshire Coalition Against Domestic and Sexual Violence	Support	No	4
Schmidt, Jan	tesha4@gmail.com	603.880.6060	An Elected Official	Myself	Support	No	4
Heath, Mary	m.heath@comcast.net	603.622.0895	An Elected Official	Hills. Dist. 14	Support	No	4
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Support	No	4
Bouchard, Donald	donalddbouchard@gmail.com	603.622.0388	An Elected Official	Myself	Support	No	4
Chase, Wendy	wendy.chase@leg.state.nh.us	603.319.7259	An Elected Official	Myself	Support	No	4
Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	A Member of the Public	Myself	Support	No	4
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Support	No	4
Till, Mary	maryforderry@yahoo.com	603.203.1961	A Member of the Public	Myself	Support	No	4
Connors-Krikorian, MaryAnn	makrikorian@comcast.net	603-505-1943	A Member of the Public	Myself	Support	No	4
Eisner, Mary	nhdem@msn.com	16034323192	A Member of the Public	Myself	Support	Yes	4
Mullen, Sue	Sue.Mullen@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	Yes	4

# Testimony

HB 401

For the record: I am Representative Sue Mullen from Hillsborough District 7 (Bedford)

The concept for House Bill 401 was actually recommended by the House Education Committee 17-3 during our last session. HB 1136 had strong bi-partisan support, but died a COVID death when our actions were abbreviated by the closing down of the world, as we knew it. The premise of the bill rests on the fact that school superintendents need help in managing the criminal history check process for perspective employees.

Current statute dictates that the Superintendent of Schools is the ONLY one authorized for receiving and reviewing criminal history information. House Education has heard testimony from various superintendents about numerous scenarios in which this creates a problem:

- A superintendent becomes injured or ill, rendering them unable to complete the task
- A superintendent is on vacation when a last minute vacancy needs to be filled
- The size of the school district necessitates 100+ record checks in a limited time period

HB 401 would allow the superintendent to appoint a designee from among a specified group of people: the Assistant Supt, head of Human Resources, personnel director, business administrator or finance director. This authority would also be extended to the chief executive officer of a chartered public school or public academy. The specificity was intended to meet FBI requirements, upon advice of Lieutenant Mike McQuaid of the Department of Safety.

Changes in RSA 189:13-a that took place as a result of HB 1558 last session have widened the scope of information that is available to school superintendents. As a result, HB 401 also calls for the Department of Education to provide training on the reading and interpretation of criminal history records.

I thank you for your consideration, and I am happy to answer any questions.

I know Attorney Diana Fenton from the Department of Education planned on being available this morning, so she may be in attendance to answer questions, as well.

Submitted by Representative Sue Mullen on April 13, 2021

## Ava Hawkes

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**From:** Mary Eisner <NHDEM@msn.com>  
**Sent:** Monday, April 12, 2021 8:21 AM  
**To:** Ava Hawkes  
**Subject:** Testimony for HB-401 hearing 4/13 at 9:00 a.m.

Dear Education Committee Members:

My name is Mary Eisner from Derry, N.H. I support HB-401.

Currently, only Superintendents are allowed to process criminal background records in the application process. This Bill specifies who the Superintendents may choose as a designee: the Assistant Superintendent, head of Human Resources, Personnel Director, Business Administrator or Finance Director. The reason for multiple designees is to accommodate Districts that have limited Staff positions that may not include an Asst. Superintendent, or head of Human Resources.

By allowing a designee to process criminal history records relieves Superintendents from this employment application function. By statute, Superintendents have twenty educational responsibilities to perform.

Providing adequate staffing for School Districts is an ongoing process throughout the year. Derry is the third the largest School District in the State. Derry's School District had approximately 886 employees from July 1, thru October 17, 2019, 192 records were requested. As of Nov.2020, the Human Resources Office fingerprinted approximately 178 people with 605 employees not counting substitutes.

Once records are received and reviewed and there may be a question or concern, additional time is needed by Superintendents to follow up on interviews. In most cases, requiring numerous contact attempts to schedule interviews.

By allowing Superintendents to appoint a designee to perform the criminal background checks in the employment application process is in the best interest of our School Districts and would allow Superintendents to perform their main responsibility of educating our children.

This Bill considers the time factor involved in normal times for Superintendents to process criminal background checks. If there are any doubts about the importance of this Bill, we need only be reminded of how much time that all School Administrators have invested this past year and will continue to due so because of covid-19 in order to keep our schools safe and our educational system functioning.

Given the ongoing impact of this pandemic and any similar issues that may occur in the future, HB -401 would certainly be a welcome benefit to our School Superintendents and to our educational system. Therefore, I encourage this Committee to approve this Bill.

Respectfully Submitted,

Mary Eisner  
Derry, NH

Sent from [Mail](#) for Windows 10

# Voting Sheets

**Senate Education Committee**  
**EXECUTIVE SESSION RECORD**  
*2020-2021 Session*

Bill # HB 401

Hearing date: 4/13/21

Executive Session date: 4/27/21

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Sen. Hennessey, VC	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Sen. Ricciardi	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Sen. Kahn	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Sen. Prentiss	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

Motion of: consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Sen. Hennessey, VC	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Sen. Ricciardi	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Sen. Kahn	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Sen. Prentiss	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Prentiss

**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, April 28, 2021

THE COMMITTEE ON Education

to which was referred **HB 401**

AN ACT

relative to the duty of school superintendents  
regarding criminal history records checks.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Suzanne Prentiss  
For the Committee

This bill permits superintendents of school administrative units to appoint a designee to receive and review a report of an applicant's criminal history record information. The designees may be the assistant superintendent, the head of human resources, personnel director, business administrator or finance director, or the chief executive officer of a chartered public school. This bill also requires the department of education to provide training in reading and interpreting criminal history records and the superintendent, or designee, is required to complete such training.

Ava Hawkes 271-4151

FOR THE CONSENT CALENDAR

**EDUCATION**

**HB 401**, relative to the duty of school superintendents regarding criminal history records checks.

Ought to Pass, Vote 5-0.

Senator Suzanne Prentiss for the committee.

This bill permits superintendents of school administrative units to appoint a designee to receive and review a report of an applicant's criminal history record information. The designees may be the assistant superintendent, the head of human resources, personnel director, business administrator or finance director, or the chief executive officer of a chartered public school. This bill also requires the department of education to provide training in reading and interpreting criminal history records and the superintendent, or designee, is required to complete such training.

**Docket of HB401**

Docket Abbreviations

**Bill Title:** relative to the duty of school superintendents regarding criminal history records checks.*Official Docket of HB401.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/10/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Education <b>HJ 2 P. 46</b>
2/23/2021	H	Public Hearing: 02/23/2021 12:45 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/94382337363">https://www.zoom.us/j/94382337363</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/24/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-0148h</b> (Vote 19-0; CC) <b>HC 18 P. 7</b>
4/7/2021	H	Amendment <b>#2021-0148h</b> : AA VV 04/07/2021 <b>HJ 5 P. 9</b>
4/7/2021	H	<b>Ought to Pass with Amendment</b> 2021-0148h: MA VV 04/07/2021 <b>HJ 5 P. 9</b>
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 <b>HJ 5 P. 50</b>
4/7/2021	S	Introduced 04/01/2021 and Referred to Education; <b>SJ 11</b>
4/7/2021	S	Remote <b>Hearing</b> : 04/13/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 19</b>
4/28/2021	S	Committee Report: Ought to Pass, 05/06/2021; Vote 5-0; CC; <b>SC 22</b>
5/6/2021	S	<b>Ought to Pass</b> : RC 23Y-0N, MA; OT3rdg; 05/06/2021; <b>SJ 14</b>
6/2/2021	S	Enrolled Adopted, VV, (In recess 05/27/2021); <b>SJ 18</b>
6/3/2021	H	Enrolled (in recess of) 06/03/2021
6/14/2021	H	Signed by Governor Sununu 06/10/2021; Chapter 71; Eff: 07/01/2021

NH House

NH Senate

# Other Referrals

# Senate Inventory Checklist for Archives

Bill Number: HB 401

Senate Committee: Education

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

\_\_\_ as amended by the senate      \_\_\_ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office AK